



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,909	02/20/2004	Michael McDonald	DNCEH-66401	7143
24201	7590	10/09/2007	EXAMINER	
FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			FRISBY, KESHA	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,909

Applicant(s)

MCDONALD ET AL.

Examiner

Kesha Frisby

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 3,16,18, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 & 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo (U.S. Publication Number 2006/0154220) in view of Rosedale (U.S. Patent Number 7,117,1136), Carnival Parties 5yr (NPL) and Parulski et al. (U.S. Patent Number 5,595,389).**

Referring to claims 1 & 2, Toniolo discloses providing a dance routine with music, involving at least one dancer (paragraph 0011), providing a video of the dance routine, with the music, showing the dancer's body but not the dancer's head (easily adjust the camera angle to suit a particular application), and the movement of the dancer's body in synchronism with the music (Fig. 13 & the associated text: paragraphs 0104-0106), recording the video appearance of the at least one celebrant's head during the playing of the music to the at least one celebrant (paragraph 0106: easily adjust the camera angle to suit a particular application). *Toniolo does not teach with the head in a substantially stationary disposition, disposing the head of at least one celebrant in an opening in a foreground enclosure disposed in front of the celebrant's head, recording the head in the opening and replacing the at least one celebrant's head in place of the at least one dancer's head at the position of the at least one dancer's head in the video*

Art Unit: 3714

of the at least one dance routine to provide a video of the dancer's body and the at least one celebrant's head and providing a video of the dance routine to the celebrant with the at least on celebrant's head replacing the at least one dancer's head (claim 2).

Rosedale teaches with the head in a substantially stationary disposition (Figs. 1A, 4A, 4B & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the head in a substantially stationary disposition, as disclosed by Rosedale, incorporated into Toniolo in order to allow input and feedback based on various parts of the user's body. *Toniolo/Rosedale does not teach disposing the head of at least one celebrant in an opening in a foreground enclosure disposed in front of the celebrant's head and replacing the at least one celebrant's head in place of the at least one dancer's head at the position of the at least one dancer's head in the video of the at least one dance routine to provide a video of the dancer's body and the at least one celebrant's head and providing a video of the dance routine to the celebrant with the at least on celebrant's head replacing the at least one dancer's head (claim 2).* Carnival Parties 5yr teaches disposing the head of at least one celebrant in an opening in a foreground enclosure disposed in front of the celebrant's head (page 3) and recording the head in the opening (page 3: photograph taken). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include disposing the head of at least one celebrant in an opening in a foreground enclosure disposed in front of the celebrant's head, as disclosed by Carnival Parties 5yr, incorporated into Toniolo/Rosedale in order to give the image a different look. Toniolo/Rosedale/Carnival Parties 5yr does not *teach*

Art Unit: 3714

replacing the at least one celebrant's head in place of the at least one dancer's head at the position of the at least one dancer's head in the video of the at least one dance routine to provide a video of the dancer's body and the at least one celebrant's head and providing a video of the dance routine to the celebrant with the at least on celebrant's head replacing the at least one dancer's head and providing a video of the dance routine to the celebrant with the at least on celebrant's head replacing the at least one dancer's head (claim 2). However, Parulski et al. teaches replacing the at least one celebrant's head in place of the at least one dancer's head at the position of the at least one dancer's head in the video of the at least one dance routine to provide a video of the dancer's body and the at least one celebrant's head (Figs. 1 & 2B & the associated text) and providing a video of the dance routine to the celebrant with the at least on celebrant's head replacing the at least one dancer's head (column 3 lines 36-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replacing heads, as disclosed by Parulski et al., incorporated into Toniolo/Rosedale/Korn so that the celebrant can view themselves performing the recorded dance moves.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Carnival Parties 5yr/Parulski et al. and further in view of Korn (U.S. Patent Number 5,781,198).

Toniolo/Rosedale/Carnival Parties 5yr/Parulski et al. discloses a method as set forth in claim 1. *Toniolo/Rosedale/Carnival Parties 5yr/Parulski et al does not disclose providing a background and the foreground enclosure in a particular color, subjecting*

the background and the foreground enclosure to chromakeying to eliminate the particular color in the background and the foreground enclosure, and substituting a particular background in the space previously occupied by the background of the particular color. However, Korn teaches providing a background and the foreground enclosure in a particular color (column 1 lines 61-64), subjecting the background and the foreground enclosure to chromakeying to eliminate the particular color in the background and the foreground enclosure (column 1 line 66-column 2 line 5), and substituting a particular background in the space previously occupied by the background of the particular color (column 1 line 66-column 2 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include background and foreground enclosures, as disclosed by Korn, incorporated into Toniolo/Rosedale in order to present a variety of different looks.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Korn/ Carnival Parties 5yr /Parulski et al. and further in view of Horigami et al. (U.S. Patent Number 6,758,756).

Referring to claim 5, Toniolo/Korn/Parulski et al. discloses a method as set forth in claim

1. *Toniolo/Korn/Parulski et al. does not disclose including the step of:*

digitizing the recorded video of the dance routine to a computer to adjust for lateral changes in the position of the dancer's body, thereby to align the dancer's body laterally with the celebrant's head. However, Horigami et al. teaches digitizing the recorded video of the dance routine to a computer to adjust for lateral changes in the position of the dancer's body, thereby to align the dancer's body laterally with the celebrant's head

(cpu 111 & column 11 lines 26-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include digitizing the recorded video, as disclosed by Horigami et al., incorporated into Toniolo/Korn/Parulski et al. so that the video will look as real as possible.

Since Toniolo makes movement in the lateral direction and the head is superimposed on the body, the image is therefore aligned with the body. In addition, the specification states on page 4 that a digital computer may be provided; therefore a digital computer does not have to be used.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Korn/Parulski et al. and further in view of Stamper et al. (U.S. Patent Number 6,894,686).

Referring to claim 6, Toniolo/Korn/Parulski et al. discloses a method as set forth in claim 1. Toniolo/Korn/Parulski et al. does not disclose including the step of: enlarging the celebrant's head to maintain an appearance of the celebrant's head on the dancer's body even with a lateral shifting of the position of the dancer's body relative to the celebrant's head during the dance routine of the dancer. However, Stamper et al. teaches including the step of: enlarging the celebrant's head to maintain an appearance of the celebrant's head on the dancer's body even with a lateral shifting of the position of the dancer's body relative to the celebrant's head during the dance routine of the dancer (column 2 lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include enlarging, as disclosed by Stamper et al., incorporated into Toniolo/Korn/Parulski et al. in order to manipulate images.

Since Toniolo makes movement in the lateral direction and the head is superimposed on the body, the image that is superimposed into a video editor has an enlarge function that is used. It is an inherent function that the image can be enlarged in the x-plane.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Carnival Parties 5yr./Parulski et al. and further in view of Horigami et al. and Stamper et al..

Claim 7 requires the same rejections as claims 2-6. Please refer to the rejections above.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo in view of Rosedale and Parulski et al..

Referring to claim 8, Toniolo discloses recording a dance routine of a dancer with the head of the dancer in a substantially stationary position and with the feet and body of the dancer moving in response to the music (paragraph 0011). *Toniolo does not disclose where the head is in a substantially stationary lateral position, removing the head of the dancer from the recording, and substituting the head of the celebrant in the recording in place of the removed head of the dancer.* However, Rosedale teaches where the head is in a substantially stationary lateral position (Figs. 1A, 4A, 4B and the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include where the head is in a substantially stationary lateral position, as disclosed by Rosedale, incorporated into Toniolo, in order to allow input and feedback based on various parts of the user's body. *Toniolo/Rosedale does not teach removing the head of the dancer from the recording, and substituting the head*

of the celebrant in the recording at the place of the removed head of the dancer with the head of the celebrant in the substantially stationary lateral position. However, Parulski et al. teaches removing the head from the recording (column 3 lines 9-16), and substituting the head of the celebrant in the recording at the place of the removed head of the dancer with the head of the celebrant in the substantially stationary lateral position (column 2 line 53- column 3 lines 9-16, Fig. 2B & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include removing and substituting the head, as disclosed by Parulski et al., incorporated Toniolo/Rosedale in order to personalize the images.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Parulski et al. and further in view of Stamper et al. (U.S. Patent Number 6,894,686).

Referring to claim 9, Toniolo/Rosedale/Parulski et al. discloses a method as set forth in claim 8. *Toniolo/Rosedale/Parulski et al. does not disclose enlarging the head of the celebrant laterally relative to the head of the dancer to compensate for changes in the lateral positioning of the celebrant's head while maintaining the dancer's head on the celebrant's neck.* However, Stamper et al. teaches enlarging the head of the celebrant laterally relative to the head of the dancer to compensate for changes in the lateral positioning of the celebrant's head while maintaining the celebrant's head on the dancer's neck (column 2 lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include enlarging, as disclosed by

Stamper et al., incorporated into Toniolo/Rosedale/Parulski et al. in order to manipulate images.

In addition, when an image is imported into a video editor and the enlarge function is used; it is an inherent function that the image can be enlarged in the x-plane.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Parulski et al. and further in view of Carnival Parties 5yr.

Referring to claims 10-12, Toniolo/Rosedale/Parulski et al. discloses a method as set forth in claim 8. *Toniolo/Rosedale/Parulski et al. does not disclose including the step of disposing the celebrant's head in an opening in a foreground enclosure in front of the celebrant to provide for only the celebrant's head to be visible (claim 10).* However, Carnival Parties 5yr. teaches including the step of disposing the celebrant's head in an opening in a foreground enclosure in front of the celebrant to provide for only the celebrant's head to be visible (page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include disposing the celebrant's head in an opening in a foreground enclosure in front of the celebrant to provide for only the celebrant's head to be visible, as disclosed by Carnival parties 5yr, incorporated into Toniolo/Rosedale/Parulski et al. in order to give the image a different look.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Parulski et al./Carnival Parties 5yr and further in view of Korn.

Toniolo/Rosedale/Parulski et al./Carnival Parties 5yr discloses the method as set forth in claim 10. Toniolo/Rosedale/Parulski et al./Carnival Parties 5yr does not disclose *including the step of: chromakeying the foreground enclosure to eliminate the*

foreground enclosure in the recording so that only the celebrant's head is provided to the recording. However, Korn teaches including the step of disposing the celebrant's head in an opening in a foreground enclosure in front of the celebrant to provide for only the celebrant's head to be visible (Figs. 4B & 4D & the associated text) and including the step of: chromakeying the cover to eliminate the foreground enclosure in the recording so that only the celebrant's head is provided to the recording (column 1 lines 29-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include disposing the celebrant's head and chromakeying, as disclosed by Korn, incorporated into Toniolo/Rosedale/Parulski et al./Carnival Parties 5yr in order to record real time images.

10.Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Parulski et al. and further in view of Korn.

Toniolo/Rosedale/Parulski et al. discloses a method as set forth in claim 8.

Toniolo/Rosedale/Parulski et al. does not disclose providing a background in back of the celebrant, chromakeying the background to eliminate the background, and providing a new background in place of the chromakeyed background. However, Korn teaches and providing a background in back of the celebrant (Figs. 4B & 4D & the associated text chromakeying the background to eliminate the background (remove the background), providing a new background in place of the chromakeyed background (replace background). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include providing a background, as disclosed by Korn,

incorporated into Toniolo/Rosedale/Parulski et al. in order to convert the proper graphics format.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Parulski et al. and further in view of Horigami et al..

Referring to claim 13, Toniolo/Parulski et al. discloses a method as set forth in claim 8. *Toniolo/Parulski et al. does not disclose digitizing the video of the dance routine to a computer to adjust for lateral changes in the dancer's body relative to the celebrant's head, thereby to align the dancer's body laterally with the celebrant's head.* However, Horigami et al. teaches digitizing the video of the dance routine to a computer to adjust for lateral changes in the dancer's body relative to the celebrant's head, thereby to align the dancer's body laterally with the celebrant's head (cpu 111 & column 11 lines 26-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include digitizing the recorded video, as disclosed by Horigami et al., incorporated into Parulski et al./Toniolo/Korn so that the video will look as real as possible.

Since Toniolo makes movement in the lateral direction and the head is superimposed on the body, the image is therefore aligned with the body. In addition, the specification states on page 4 that a digital computer may be provided; therefore a digital computer does not have to be used.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo/Rosedale/Parulski et al./Stamper et al. and further in view of Carnival Parties 5yr, Korn, and Horigami et al..

Claim 14 requires the same rejections as claims 10-13. Please refer to the rejections above.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. in view of Toniolo and Rosedale.

Referring to claim 15, Parulski et al. discloses providing a visual image and a synchronized audio recording on a medium capable of being duplicated (column 1 lines 55-58), the video image and the audio recording being of a dancer providing a dance routine, removing the dancer's head from the video image (Figs. 1, 2A, 2B and the associated text), and substituting a celebrant's head on the dancer's body after removing the dancer's head from the dancer's body in the video (Figs. 1, 2A, 2B and the associated text) and processing the disposition and appearance of the celebrant's head on the dancer's body to assure that the celebrant's head is disposed on the dancer's neck (Figs. 1, 2A, 2B and the associated text). *Parulski does not disclose a dancer and where the head is in a substantially stationary lateral disposition.* However, Toniolo teaches a dancer (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a dancer, as disclosed by Toniolo, incorporated into Parulski et al. in order to perform a dance routine. Parulski et al./Toniolo does not teach *where the head is in a substantially stationary lateral disposition.* However, Rosedale teaches where the head is in a substantially stationary lateral disposition (Figs. 1A, 4A, 4B & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include where the head is in a substantially stationary lateral disposition, as disclosed by Rosedale,

Art Unit: 3714

incorporated into Parulski et al./Toniolo in order to allow input and feedback based on various parts of the user's body.

15. Claims 17, 18 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al./Toniolo/Rosedale and further in view of Korn.

Referring to claims 17 & 20, Parulski et al./Toniolo/Rosedale discloses a method as set forth in claim 15. *Parulski et al./Toniolo/Rosedale does not disclose including the steps of: providing the image of the celebrant's head in a background of a particular color so that only the celebrant's head is visible in the background of the particular color, and eliminating the background of the particular color from the image of the celebrant's head before the image of the celebrant's head is transferred to the dancer's body in replacement of the dancer's head and providing an individualized background after the removal of the background of the particular color (claim 20).* However, Korn teaches including the steps of: providing the image of the celebrant's head in a background of a particular color so that only the celebrant's head is visible in the background of the particular color (Figs. 4B & 4D & the associated text), and eliminating the background of the particular color from the image of the celebrant's head before the image of the celebrant's head is transferred to the dancer's body in replacement of the dancer's head (column 3 lines 11-15) and providing an individualized background after the removal of the background of the particular color (claim 20) (column 7 lines 17-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include providing the image of the celebrant's head in a background of a particular color and eliminating the background of the particular color, as disclosed by Korn,

incorporated into Parulski et al./Toniolo/Rosedale in order to allow for real time background replacement.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al./Toniolo/Rosedale and further in view of Stamper et al. (U.S. Patent Number 6,894,686).

Referring to claim 19, Parulski et al./Toniolo/Rosedale discloses a method as set forth in claim 15. *Parulski et al./Toniolo/Rosedale does not disclose enlarging the celebrant's head relative to the dancer's head in the video image to insure that the head is disposed on the dancer's neck regardless of a slight displacement of the dancer's body from a particular position.* However, Stamper et al. teaches enlarging the celebrant's head relative to the dancer's head in the video image to insure that the head is disposed on the dancer's neck regardless of a slight displacement of the dancer's body from a particular position (column 2 lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include enlarging, as disclosed by Stamper et al., incorporated into Parulski et al./Toniolo/Rosedale in order to manipulate images.

In addition, when an image is imported into a video editor and the enlarge function is used; it is an inherent function that the image can be enlarged in the x-plane.

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al./Toniolo/Korn and further in view of Horigami et al..

Referring to claim 21, Parulski et al./Toniolo/Korn discloses a method as set forth in claim 17. *Parulski et al./Toniolo/Korn does not disclose employing digitizing techniques*

Art Unit: 3714

to adjust for changes in the position of the dancer's body, thereby to align the dancer's body with the celebrant's head. However, Horigami et al. teaches employing digitizing techniques to adjust for changes in the position of the dancer's body, thereby to align the dancer's body with the celebrant's head (cpu 111 & column 11 lines 26-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include digitizing the recorded video, as disclosed by Horigami et al., incorporated into Parulski et al./Toniolo/Korn so that the video will look as real as possible.

Since Toniolo makes movement in the lateral direction and the head is superimposed on the body, the image is therefore aligned with the body. In addition, the specification states on page 4 that a digital computer may be provided; therefore a digital computer does not have to be used.

Allowable Subject Matter

11. Claims 3, 16, 18, 22 & 23 are objected to as being dependent upon a rejected base claim, but may be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: Rosedale teaches where the user's head movement is limited in multiple directions (see Figs. 4A & 4B) not just in the lateral direction. Rosedale also teaches where more than one body part is immobilized (head immobilization and limb immobilization) not just the head. Korn teaches where the background can be eliminated (Figs. 5A-5D and the associated text) not the foreground.

Response to Arguments

13. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

14. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Art

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kellar (U.S. Patent Number 4,602,286) teaches video processing for composite images.

Bulman (U.S. Patent Number 5,623,587) teaches a method and apparatus for producing an electronic image.

Burns et al. (U.S. Patent Number 6,306,036) teaches a computer game with replaceable character heads.

Corset (U.S. Publication Number 2002/0007718) teaches a karaoke system.

Bae Jun Ho (KR20030039210) teaches a music video system having user image synthesizing function.

Conclusion

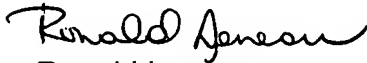
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-


Art Unit: 3714

8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald Laneau
Primary Patent Examiner
Art Unit 3714


Kyf 9/27/2007

9/30/07